

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EUGENE YAZZIE, PHYLLIS YAZZIE,
on behalf of themselves and all others similarly situated

Plaintiffs,

vs.

CIV No. 14-555 JAP/SCY

GURLEY MOTOR CO., RED ROCK INVESTMENT
CO.,

Defendants.

ORDER

THIS MATTER comes before the Court on Plaintiffs' Motions to Compel Defendants Gurley Motor Co. and Red Rock Investment Co. to Respond to Plaintiffs' First Set of Discovery. *Docs. 24, 26*. Having reviewed the Motions, the Court finds them well-taken and will **GRANT** them.

Plaintiffs filed the instant action on June 16, 2014. *Doc. 1*. Defendants Gurley and Red Rock filed answers on August 15, 2014. *Doc. 8*. The Court held the initial scheduling conference on October 8, 2014, in which both Defendants participated. *Doc. 14*. The Court set the discovery deadline for April 15, 2015. *Doc. 13*. In the instant motions, filed on February 24, 2014, Plaintiffs contend that although they timely and properly propounded discovery requests to both Defendants, the responses they received were inadequate and/or incomplete. *Docs. 25, 27*. Plaintiffs now request that the Court compel Defendants to provide more fulsome responses. *Id.*

Defendants have filed no responsive briefing to this motion. Under Local Rule 7.1(b), "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b).

According to the Tenth Circuit, “local rules of practice, as adopted by the district court, have the force and effect of law, and are binding upon the parties and the court which promulgated them. . . .” *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980)(citation and quotation omitted). The Court therefore orders Defendants to file amended responses with regard to each of the discovery requests cited by Plaintiffs within fourteen (14) days of the entry of this order.

Further, under Federal Rule of Civil Procedure 37(a)(5)(A), the Court will consider whether an award of attorney’s fees is appropriate for the instant motion. Defendants are given seven (7) days from the date of the entry of this order to provide a written response as to why the Court should not sanction them for causing Plaintiffs to file the instant motion.

IT IS THEREFORE ORDERED THAT:

1. By fourteen (14) days after the entry of this order, Defendants Gurley Motor Co. and Red Rock Investment Co. are ordered to provide amended responses to each of the discovery requests cited by Plaintiffs in their motions to compel (*docs. 24, 26*).
2. By seven (7) days after the entry of this order, Defendants Gurley Motor Co. and Red Rock Investment Co. are ordered to provide a written response explaining why the Court should not award attorney’s fees to Plaintiffs for the instant motions.

